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Grand Jury Probes Times, Post, Globe

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A federal grand jury in Boston is investigating possible criminal charges against The New York Times, The Washington Post and The Boston Globe in connection with the publication of secret Pentagon documents on Vietnam.

Neil Sheehan, a New York Times reporter credited with breaking the story about the U.S. decision-making process on Vietnam, and his wife Susan, a magazine writer and author, were also named in the government's case before the Boston grand jury last week, The Post has learned.

Government officials have hinted at the possibility of empanelling an East Coast grand jury to seek criminal charges against those who conveyed and accepted the top-secret Pentagon papers along with Dr. Daniel Ellsberg, who has admitted leaking the papers to the press. He has been charged with unauthorized possession of classified documents.

Sources said last night that the government in utmost secrecy started its criminal investigation by presenting evidence before a federal grand jury that has been sitting in Boston on other matters since early April.

Two persons employed by different printing firms in the greater Boston area testified before the grand jury last week. Sources said the printers apparently were involved in copying parts of the 47-volume Pentagon study that ultimately ended up in possession of The New York Times.

The same sources said that Ellsberg was not involved in early testimony and that the government seemed to be concentrating initially on how the documents were duplicated and how they came into possession of The Times.

Two unidentified lawyers from the Justice Department's Internal Security Division and Richard E. Bachman, 36, an assistant

themselves and did not conflict with the Supreme Court decision permitting the newspapers to publish the contents of the documents.

Secrecy of the proceedings was stringent, with U.S. Attorney Herbert F. Travers Jr. discarding the usual policy of making public both witness lists and the subject of a grand jury probe.

In Washington, Justice Department officials would not disclose the names of the internal security lawyers who appeared before the grand jury.

"I don't think I ought to comment on the comings and goings of our attorneys," a Justice official said. "Why possibly tip our hand?"

The sources said it was not immediately clear what sort of criminal charges the government is seeking. "It looks like a fishing expedition to me," said one source. "They don't seem to have much."

Use of the grand jury's subpoena power to compile information on the leaked papers was in line with beliefs of other government sources that the Justice Department will prosecute some newspapers and individuals if it can build a case.

These government sources said that Attorney General John N. Mitchell had not decided whether to proceed criminally when he left last week for an American Bar Association meeting in London.

The Internal Security division reportedly was charged with developing evidence to present to Mitchell when he returns on July 28.

The Justice Department's intention to prosecute was clearly stated July 1 when Mitchell said, "Since the beginning of the investigation of the Pentagon's classified documents, all avenues of criminal prosecution have remained open.

"A review of the Court's opinions indicates that there is nothing in them to affect this situation. The Department of Justice is continuing its investigation and will prosecute federal criminal laws in connection with this matter."

The mention of Susan Sheehan

speculation that the government believes she may have been a conduit through which the documents passed to The New York Times. She has not been mentioned in any Times account of the incident. Nor is she identified in the new Bantam book, "The Pentagon Papers," based on "investigative reporting by Neil Sheehan."

Mrs. Sheehan is a contributor to the Talk of the Town column for The New Yorker magazine. She has written major stories on the Buckley women, Jacqueline Kennedy Onassis and Ethel Kennedy for the Ladies Home Journal and McCall's. She has also written a book, "Ten Vietnamese," through which she recounts the tragedy of the war on the people of South Vietnam.

Material for the book was gathered during 1965 and 1966 while her husband was a New York Times correspondent in Saigon. It was published in 1967.